

Introduced by Senator Strickland

January 6, 2011

An act to add Section 49423.3 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 65, as introduced, Strickland. Pupil health: prescription pancreatic enzymes.

Existing law establishes the public elementary and secondary school system in this state. Under this system, school districts throughout the state provide instruction to pupils in kindergarten and grades 1 to 12, inclusive, at the public elementary and secondary schools.

Existing law provides that any pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician or surgeon may be assisted by the school nurse or other designated school personnel or may carry and self-administer prescription auto-injectable epinephrine or inhaled asthma medication, under specified conditions, if the school district receives the appropriate written statements, as prescribed, from the physician or surgeon and the parent, foster parent, or guardian of the pupil. Existing regulations of the State Department of Education specify procedures to be followed in the administration of medication to a pupil.

This bill would further provide that any pupil who has been diagnosed with cystic fibrosis and is required to take, during the regular schoolday, medication prescribed for him or her by a physician or surgeon may be assisted by the school nurse or other designated school personnel or may carry and self-administer prescription pancreatic enzymes if the school district receives the appropriate written statements, as prescribed,

from the physician or surgeon and the parent, foster parent, or guardian of the pupil.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49423.3 is added to the Education Code,
2 to read:

3 49423.3. (a) Notwithstanding Section 49422, any pupil who
4 has been diagnosed with cystic fibrosis and is required to take,
5 during the regular schoolday, medication prescribed for him or
6 her by a physician or surgeon, may be assisted by the school nurse
7 or other designated school personnel or may carry and
8 self-administer prescription pancreatic enzymes if the school
9 district receives the appropriate written statements identified in
10 subdivision (b).

11 (b) (1) In order for a pupil to be assisted by a school nurse or
12 other designated school personnel in the administration of
13 medication pursuant to subdivision (a), the school district shall
14 obtain both a written statement from the physician or surgeon
15 detailing the name of the medication, the method by which the
16 medication is to be taken, and the amount of the medication to be
17 taken, and a written statement from the parent, foster parent, or
18 guardian of the pupil indicating the desire that the school district
19 assist the pupil in the matters set forth in the statement of the
20 physician or surgeon.

21 (2) In order for a pupil to carry and self-administer prescription
22 pancreatic enzymes pursuant to subdivision (a), the school district
23 shall obtain both a written statement from the physician or surgeon
24 detailing the name of the medication, the method by which the
25 medication is to be taken, and the amount of medication to be
26 taken, and confirming that the pupil is able to self-administer
27 prescription pancreatic enzymes just before a meal or snack, and
28 a written statement from the parent, foster parent, or guardian of
29 the pupil consenting to the self-administration, providing a release
30 for the school nurse or other designated school personnel to consult
31 with the health care provider of the pupil regarding any questions
32 that may arise with regard to the medication, and releasing the
33 school district and school personnel from civil liability if the

1 self-administering pupil suffers an adverse reaction as a result of
2 self-administering medication pursuant to this paragraph.

3 (3) The written statements specified in this subdivision shall be
4 provided at least annually and more frequently if the medication,
5 dosage, frequency of administration, or reason for administration
6 changes.

7 (c) A pupil may be subject to disciplinary action pursuant to
8 Section 48900 if that pupil uses pancreatic enzymes in a manner
9 other than as prescribed.